

CHURCH AND STATE

A MONTHLY REVIEW



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Adlai Speaks Out on Vatican Issue; POAU Warns of 'Bushel of Eels'

"I think I will not propose the appointment of an Ambassador to the Vatican," Governor Adlai E. Stevenson, Democratic candidate for President, declared at a September 16 press conference in reply to a reporter's question. Stevenson continued: "I think the matter in this country has become — the feeling in this country is that it constitutes an official recognition of a religion—of a denomination—and that is highly incompatible with our theory of the separation of the church and the state, and so on.

"That is not to say that we must not take full advantage of the sources of information that are available at the Vatican, as at any other national capital, so to speak. I have not been able to see that there is any great disadvantage in the system that existed previously of a special representative of the President at the Vatican. This is a subject that I have not heretofore discussed in the campaign. I may have occasion to later. I haven't encountered it previously."

POAU Statement

Glenn L. Archer, POAU executive director, immediately commented as follows:

"Governor Adlai E. Stevenson deserves high praise for publicly recognizing the departure from principle which would be involved in a presidential appointment of an Ambassador to the Vatican. At the same time, I think that his position, as expressed at his press conference yesterday, needs further clarification. He was on solid ground when he said: '... the feeling in this country is that it constitutes an official recognition of a religion—of a denomination—[to send an Ambassador] and that is highly incompatible with our theory of the separation of the church and the state. . . .' But I think he failed to consider the problem as a whole when he added: '... I have not been able to see that there is any great disadvantage in the system that existed previously of a special representative of the President at the Vatican.'

"It seems to me that the 'feeling in this country' against sending an Am-

bassador to the Vatican is not based on any merely technical consideration, and that it would therefore not be satisfied by the substitution of a diplomat or representative sent for the same purpose under a different title. When, in 1939, the late President Roosevelt appointed a 'personal representative with the rank of Ambassador' to represent him at the Vatican, a serious national controversy was averted only by the plea that it was intended to serve the cause of world peace at a time of mounting international crisis. But many thoughtful Americans were deeply disturbed by the appointment of an Ambassador—who-was-not-an-Ambassador to represent our President at a church-which-was-also-a-state, and their worst fears were justified when President Truman attempted last year to send a full-fledged Ambassador to the Pope.

Subterfuge

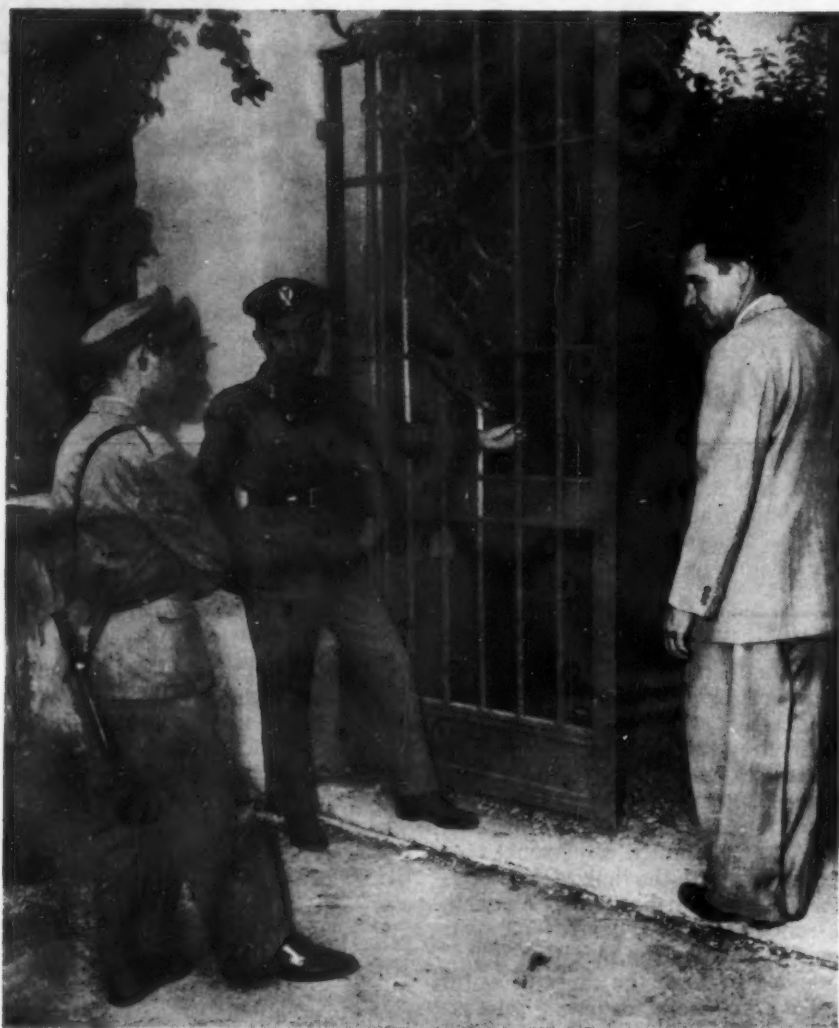
"The designation of 'personal representative . . . with the rank of Ambassador' was originally conceived as a device for keeping the appointment outside of the official cognizance of United States Senators and the people they represent. At the same time, it gave tacit diplomatic recognition to the Vatican church-state. President Truman's move last year had at least the merit of forthrightness. Now that the issue has at last been brought out into the open, the American people will not tolerate a return to old subterfuges.

"Thus, Governor Stevenson may find himself 'standing on a bushel of eels' unless he takes a second look at the picture. Right now, he appears to be in a somewhat dubious position—opposing an 'Ambassador' to the Vatican but seeing 'no disadvantage' in the device of 'personal representative . . . with the rank of Ambassador.'

"It is surprising, too, to hear him refer to the 'sources of information' allegedly to be found in the Vatican. Taken at face value, this argument lends color to the oft-repeated Communist charge that the Vatican is the headquarters of an international spy ring, and it would seem advisable even for Roman Catholic leaders themselves to soft-pedal the claim that the Vatican has access to top-secret information. (Actually, as *Time* magazine pointed out last November 5, this claim has been greatly exaggerated.) This argument of 'expediency,' like all the others which have been used in favor of a diplomatic tie-up with the Vatican, is both unproved and unworthy of the attention of citizens who wish America to remain the greatest democracy in the world.

"In any event, I sincerely hope that every candidate for the Presidency, the Senate, and the House will tell the voters where they stand on this vital question in frank, clear, and explicit terms. Governor Stevenson has made a start, and I hope the others will follow suit. The people have a right to know."

ITALY IN DILEMMA OVER POLICE BAN ON 'CULTS'



Forcible prevention by Rome police of religious services which had been scheduled to take place at the Church of Christ on Sunday, September 14 (see picture above, showing American missionary Cline R. Paden halted by police at the church door), gave rise to so much unfavorable publicity abroad that Italian authorities changed their minds and allowed the church to resume its regular Sunday services on September 28, pending formal government recognition of the "cult."

Commenting upon this grudging withdrawal of the ban, POAU Executive Director Glenn L. Archer declared:

"The ban has been lifted—at least for the moment—but the power to ban remains, and the basic question is, therefore, still unresolved. If, in any country, it is necessary to go to the police for 'permission' to worship publicly, then it is also necessary for free men to cry out against the unjust system which exists.

"In 1947, Italy adopted a constitution guaranteeing freedom of worship to all—but she neglected to re-

peal a Fascist law of 1929 prohibiting public worship by 'cults' without police permission, and, until she does repeal it, the constitutional guarantee will remain a mockery. The Italian people must choose between religious slavery and religious freedom."

The "Right to Apply"

The peculiar nature of the "human rights" which are guaranteed by the present Italian government was brought out forcibly by a representative of the interior ministry who told the Rev. Mr. Paden:

"Yes, you have the right to apply
(Continued on page 5)

Who Controls Your Public Library?

"... members of any organization who are required by their membership to act in any way that infringes upon the principle that a democracy must encourage the free circulation of ideas, are not free to act as professional librarians. . . . We believe that an American librarian, to act professionally, must circulate information on all sides of controversial issues. . . ."—Committee on Intellectual Freedom, American Library Association.

"Not only as an individual, but as a member of the profession, and as a professional worker, the Catholic librarian is a part of the lay apostolate. . . . As with all of lay apostolate Catholic Action, we librarians turn to our bishops and the Pope for spiritual direction, guidance, and blessing. . . .

"Peter Michaels asks: 'Is there a special purgatory for librarians where they are punished for lavishing the same loving care on books, good and bad, interesting and dull, true and erroneous, learned and stupid? . . .'"—From article by R. Paul Bartolini, head librarian, Kansas State Teachers College, in December, 1951, issue of "Catholic Library World."

Mrs. Blum Retires

The singular devotion which Mrs. Willie L. Blum, POAU's office manager, has brought to her work for the past five years—that is to say, all the years of the organization's existence to date—has left an indelible imprint on the minds of all who have had the privilege of working with her. Her retirement—which had been postponed several times at the entreaties of her associates—took effect at the end of September. We can only say that we will miss her sorely, and will strive to carry the work forward with a similar dedicated spirit.—*The Editors*

Church and State

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CHURCH AND STATE

NEWS From Far and Near

◆ Sabbath observance by legal compulsion has no place in a country which professes the ideal of religious liberty, the general council of the Seventh-day Adventist Church declared last month at Takoma Park, Md. Alluding to current efforts in fourteen states to extend Sunday "blue laws," Dr. Alvin W. Johnson, secretary of the International Religious Liberty Association, assailed "professional reformers who are always quick to jump on the religious bandwagon." "These would-be character reformers," he continued, "want to accomplish their work by laws which inevitably are contrary to the principle of separation of church and state."

◆ Suppression of two Protestant ministers has been ordered by Argentine Foreign Minister Jeronimo Remorino, whose official duties include the supervision of "Religious Cults." His order took away the right to preach from the Rev. Julio N. Sabanes, Uruguayan pastor of the Central Methodist Church of Buenos Aires, and the Rev. Angel Sainz, pastor of a congregation at Mar del Plata. The government said it acted because both clergymen had attacked Argentina's high cost of living.

◆ Pennsylvania's Governor John S. Fine has been conferring with school directors and Amish religious leaders in an effort to resolve the impasse which has been created by defiance of the state compulsory school attendance law in Lancaster County. A number of Amish parents have gone to jail rather than send their children to school after the age of 14, when, according to Amish doctrine, they are ready to go to work on the farm or in the home and would be corrupted by "worldly" ways if they remained in school. Some Mennonite groups in the state have also indicated they may take the same stand.

◆ Lebanese citizens recently elected a new president in preference to the incumbent, Bechara el-Khoury, but the incoming chief executive is not the one they might have selected if religious requirements for office were not a part of Lebanon's political system. Kamal Jumblatt, who led the opposition to el-Khoury, was barred from the presidency because he is a Druse Moslem, whereas only a Maronite Christian may have the office. On this basis, Camille Chamoun became the successful candidate instead.

◆ Having failed in their attempt to force government suppression of the motion picture, "The Miracle," Roman Catholic groups have resorted in some places to a renewed boycott campaign. In Long Beach, N. Y., the Crest Theater recently cancelled a scheduled showing of the film after Catholic officials threatened to have their followers stop patronizing the Crest and other theaters owned by the same company. Yielding to the threats, the theater replaced "The Miracle" with a twin bill consisting of "Paris Nights" and "Under the Paris Sky." "Paris Nights" had been described by one reviewer as "a cheap little French film with a dull version of a peep show tied to a D class musical," and "Under the Paris Sky" is listed as a "for adults only" picture by the (Catholic) Legion of Decency. "The Miracle," by contrast, is a serious film devoted to a serious theme which has been found offensive by some on doctrinal grounds. The Long Island newspaper, *Newsday*, commented editorially that the boycott threat was "just as much censorship as was Hitler's burning of the books," and that it was "censorship by strangulation." Nevertheless, some counterpressure from patrons opposed to "censorship by strangulation" might have put backbone into the theater owners. Such counterpressure was successful in Greenbelt, Md., not so long ago (*Church and State Newsletter*, July, 1951).

◆ Conflicting views on "academic freedom" were expressed at recent New York City hearings of a subcommittee of Senator Pat McCarran's Internal Security Committee. Dr. Bella V. Dodd, who had announced her conversion from Communism to Roman Catholicism shortly before being called to testify, declared that a person can have too much of an "open mind," and that "academic freedom has to be the right for the professor or the teacher to . . . find the truth and label the truth, and let the student and other teachers know what the truth is." But Mrs. Mildred K. Garvin, a Teachers

(Continued on page 6)

Legion Commends NEA, but Kuhn Article Still Hurts

Two resolutions lauding the patriotism of American public school teachers were adopted by delegates to the annual convention of the American Legion in New York City August 25-28, but the resolutions failed to dissipate the friction caused by a derogatory article published a few months earlier in the Legion's official magazine.

The first resolution expressed the Legion's thanks to "the members of the American teaching profession, their organizations, the National Education Association, and its various state affiliates for their great assistance rendered to the Americanism program of the American Legion . . .," and the second resolution condemned "the authors of subversive attacks upon the public schools, whether they be dissident individuals or groups in the local communities, or inspired by evil forces, financed, directed, and operated by agents of subversion. . . ."

The June issue of the *American Legion Magazine*, however, had carried an article by Irene Corbally Kuhn, called "Your Child Is Their Target," which had developed the theme that totalitarian-minded, irreligious educators were seeking to pervert young minds entrusted to their care in the public schools. The NEA exposed the article's glaring factual errors and confused reasoning in a statement of June 5, entitled "An Unwarranted Attack."

When the NEA held its own convention in Detroit June 29-July 4, Donald Wilson, the Legion's outgoing national commander, was one of the guest speakers. After his address—which made no allusion to Mrs. Kuhn's article or other attacks on public school educators—he was confronted by newspaper reporters and indignant teachers who questioned him about the article and the Legion's attitude to it, and he replied that the "American Legion takes full responsibility for the article." But he added: "The pages of the *American Legion Magazine* are always open to the NEA for an answer."

Subsequently, the NEA did prepare a reply to the article and submitted it to *Legion Magazine* Editor James F. O'Neil, who has thus far neglected to publish it.

Mrs. Kuhn, the author of "Your Child Is Their Target," received her early education in Roman Catholic schools and convents.

JUDGE IN 'CONTEMPT,' DR. DAVIES DECLARES

A charge of misusing his office to "silence criticism" was made on September 14 against Judge J. Hume Taylor of the Norfolk (Va.) Law and Chancery Court by the Rev. A. Powell Davies of Washington, D. C.

Alluding in his Sunday sermon to Judge Taylor's decision upholding a contempt citation against an Arlington minister, Dr. Davies said that the judge was himself acting "in contempt of the people," and called on citizens throughout the nation to contribute to a fund for appealing the decision, "to the United States Supreme Court, if necessary."

The convicted clergyman, the Rev. Ross Allen Weston of the Arlington Unitarian Church, had been cited for contempt last June by Judge Walter J. McCarthy for having criticized from the pulpit an earlier decision of Judge McCarthy affecting the right of federally employed Arlington residents to hold local office. (Judge McCarthy had barred government workers—who are a majority of the Arlington population—from serving in municipal posts, and Weston had denounced this decision on May 16 as a politically inspired ruling aimed at destroying self-government in the community.) Robert W. Cox, chairman of the Arlington County Board, was also cited for contempt by Judge McCarthy for similarly criticizing the judge, but Cox was later acquitted of the charge by another judge to whom he appealed. Judge Taylor, on the other hand, upheld the Weston conviction when that case came before him, ignoring the minister's argument that his remarks had been made with regard to a case already decided and hence could not be regarded as imperiling the administration of justice. Said Judge Taylor: "I find the defendant guilty and fine him \$100, but I will suspend enforcement of the sentence."

Contributions to the Weston appeal fund may be sent to the Rev. A. Powell Davies, All Souls Unitarian Church, 16th and Harvard Streets, N. W., Washington, D. C.

Fifth National Conference

Plan now to attend POAU's fifth National Conference on Church and State, January 14-15, 1953, in Washington, D. C. Dr. Charles J. Turck, president of Macalester College, will be the principal speaker.

LEADING THE BATTLE FOR FREEDOM



John A. Mackay



Charles Clayton Morrison

(The brief portrait sketches below are part of a series which will include, when completed, all the officers and members of POAU's executive committee. Others will appear in subsequent issues of Church and State.)

John A. Mackay, president of Princeton Theological Seminary and a vice-president of POAU, was born at Inverness, Scotland, on May 17, 1889. America, his country of adoption, today recognizes him as one of its most distinguished citizens. An honor graduate of the University of Aberdeen in 1912, Dr. Mackay's travels, studies, and accomplishments have made him familiar with many countries, including Spain, Peru, Brazil, Germany, Hungary, Canada, Uruguay, and Mexico. His knowledge of Latin cultures is profound, and his excellent command of Spanish has enabled him to write such books as *Mas Yo Os Digo* and *El Sentido de la Vida*, in addition to *Christianity on the Frontier*, *Heritage and Destiny*, and many other works in English. This background accounts for the special insight which has marked his analysis of problems in church-state relations as they exist in Roman Catholic countries where union, not separation, is the order of the day. Delegates to POAU's Fourth National Conference on Church and State heard Dr. Mackay outline his views as he delivered the principal address in Constitution Hall. Well known as a leader of the Presbyterian Board of Foreign Missions and chairman of the editorial council of *Theology Today*, he is also on the central committee of the World Council of Churches, chairman of the International Missionary Council, and a trustee of Waynesburg College.

Nearly fourscore years of busy life have only served to enlarge Charles Clayton Morrison's capacity for moral and spiritual leadership. Founder of *The Christian Century* and a vice-president of POAU, Dr. Morrison is a truly beloved preacher, teacher, and writer. He was ordained a minister of the Disciples of Christ in 1892, and has held pastorates in Iowa and Illinois. His multitudinous duties have included editing *The Christian Century* from 1908 to 1947, lecturing on Christianity and public affairs at Chicago Theological Seminary, serving as a delegate to the World Missionary Conference at Edinburgh in 1910, participating in the editorial section of the 1916 Regional Conferences in South America and editing its Proceedings, visiting England and France upon governmental invitation in 1918 with a deputation of American religious editors, attending the 1937 Oxford and Edinburgh Ecumenical Conferences, and lecturing at Colgate-Rochester Theological Seminary in 1932, at the Pacific School of Religion in 1933, at Andover Newton in 1937, at Yale in 1939, and at the Evangelical and Reformed Seminary in 1949. Dr. Morrison delivered the principal address at POAU's Second National Conference on Church and State in 1950, and has written widely on problems of church-state relationships. Among recent books were *Can Protestantism Win America?* and *The Christian and the War*. In 1929, he founded *The Pulpit*, and has edited it ever since.

ITALY

(Continued from page 2)

for permission to conduct this or any other church. But until that authorization is granted, we will not allow you to hold services on these premises."

Paden observed that he had been trying for three years to get such recognition.

Although early stories appearing in American newspapers erroneously reported that "other Protestant denominations have not run into similar difficulties," the September 14 incident prompted leaders of several Protestant denominations to point to police acts of repression against their institutions which fell into the same pattern as the action against the Church of Christ. Among these discriminated-against sects are the Waldensians (the oldest Protestant group in the world), the Seventh-day Adventists, the Pentecostals (Assemblies of God), and others. (The *Church and State Newsletter* called attention to the Italian government's repressive policies in its issues of April, 1951, and April, 1952.)

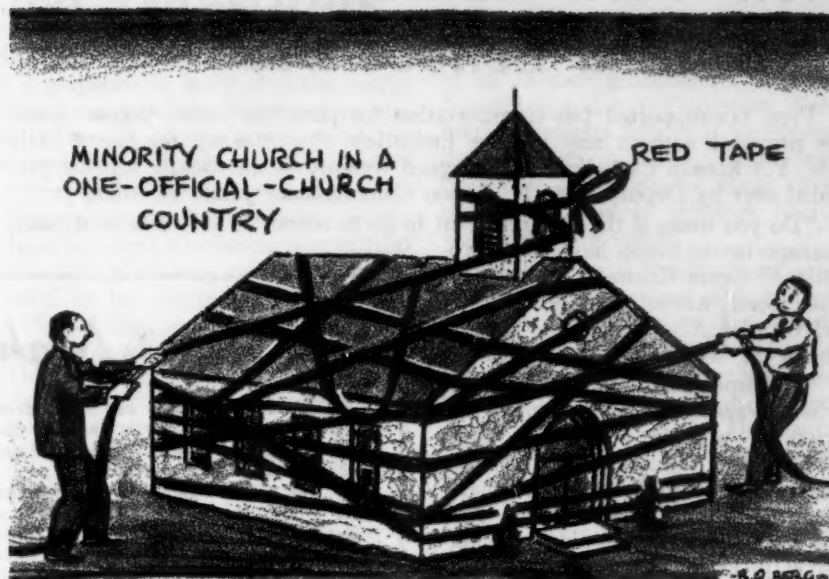
U. S. Action Weak

U. S. diplomatic officials have long been aware of the unhealthy situation in Italy, but the State Department has been loath to act. In the current case, for instance, State Department Press Officer Michael McDermott, questioned by Washington reporters, could only remark: "... it appears that the Churches of Christ involved have not yet fully complied with Italian law. . . ." Upon hearing of this, POAU wrote immediately to McDermott inquiring whether he referred to the Fascist laws of 1929 and 1930 or the democratic guarantees which were embodied in the 1947 constitution.

Neal Stanford, writing in the *Christian Science Monitor* of September 17, put his finger on the reason for the State Department's hesitancy—and a very embarrassing reason it is. "Nine months ago," Stanford pointed out, "the United States voluntarily renounced its rights under the Italian Peace Treaty to protest any restrictions or curtailment of Protestant religious worship in Italy." He continued:

"Part 2, Section 1, Article 15 of the peace treaty, to which the United States is a signatory and which went into effect in 1947, states: 'Italy shall take all measures necessary to secure

LIBERTY — WITH STRINGS ATTACHED



to all persons under Italian jurisdiction, without distinction as to race, sex, language, or religion, the enjoyment of human rights and . . . freedom of . . . religious worship. . . ."

Stanford then goes on to review the circumstances under which the United States, along with other treaty signatories, voluntarily renounced its right as a signatory to protest infringements of the guarantees of freedom. This voluntary renunciation came on December 21, 1951, after Italy persuasively argued that the military articles on the one hand, and the "political clauses" (Articles 15-18) on the other, were "superfluous" now that Italy had become a free and equal member of the western world.

Sutton's Dander Up

Indignant over the whole affair, Congressman Pat Sutton of Tennessee has announced that he will seek amendment of each foreign-aid appropriation bill offered in the next session of Congress, so as to forbid economic assistance to any nation denying the free exercise of religion. In a letter to Secretary of State Acheson, he noted that "a storm of protest" had reached him over the Church of Christ incident, and pointed out that the United States has always welcomed Italian clergymen and admitted them for purposes of residence in connection with their religious calling.

"Free men cannot be taught properly by slaves. Courageous citizens cannot be well educated by scared hired men."—Dr. Harold Benjamin, Defense Commission, National Education Association.

SPAIN INSISTS ON CATHOLIC 'UNITY,' ARTAJÓ WARNS

The government of Spain does not have "authority" to grant religious liberty to non-Catholics, Foreign Minister Alberto Martín Artajo declared recently in answer to questions presented to him by an American Baptist clergyman. Artajo's statement, addressed to the Rev. Paul E. Freed of Greensboro, N. C., said:

"Neither the Bill of Rights, basic constitutional charter of the Spanish people, nor our concordat with the Holy See gives the Government power to authorize Protestant proselytism. . . ."

Liberty Is 'Poisoned Fount,' Says Segura

Pedro Cardinal Segura y Saenz, archbishop of Seville, Spain, fired again at his favorite target—liberty—in a tirade published in his official diocesan bulletin on September 17. The aged prelate declared:

"The universal aspiration of the present time may be summed up in one magical word, which has succeeded in seducing people—liberty.

"The worst type of freedom is proclaimed as representing a positive achievement of our times. This is true of freedom of thought, learning, and the press . . . actually liberties of perdition, whose origin is a poisoned fount giving birth to the great evils of the world."

Speaking of "freedom of religion," he stated that the Roman Catholic Church "condemns this freedom in an energetic and decisive manner," and prayed to God to "preserve us from all these evils surrounding us. . . ."

New York Catholics Seek Unlimited School Bus Aid

Free, tax-supported bus transportation for parochial school pupils should be provided without any mileage limitation, the attorney for the Buffalo (N. Y.) Roman Catholic diocese argued recently at an Albany hearing presided over by Deputy State Education Commissioner James E. Allen, Jr.

"Do you mean if the children want to go to school 25 or 50 miles distant, transportation would have to be provided?" Kevin Kennedy, attorney for the diocese, was asked by State Counsel Charles A. Brind, Jr. "I think that's the law," Kennedy replied.

The dispute dates back to last July, when voters in five central school districts of western New York overwhelmingly rejected a proposition that the prevailing eight-mile maximum limitation be abandoned. Acting in concert with the diocese, a taxpayer in each district then launched the present appeal to state authorities to overrule the voters' will. They demand that the districts pay full transportation costs without limit, or, failing that, that the districts pay a pro-rata cost for eight miles, with the individual pupil paying the rest.

State Law

According to Attorney Kennedy, the State Education Law says nothing about any eight-mile limit but merely specifies that transportation "shall be provided for all the children residing within the school district to and from the school they legally attend. . . ." He contended that such a school does not have to be within the school district, but may be selected by the pupil "within reasonableness." State Counsel Brind commented: "If that is true, then the same should apply to pupils attending other nonpublic schools as well."

In contrast to Kennedy, Sherwin V. Wittman of Corfu, counsel for the Pembroke School, declared: "I can find no section [of the education law] that in any way authorizes payment of transportation outside the district involved. . . ."

Attorney B. I. Burke, speaking for Union Free School District 1 of East Aurora, contended that the Catholic petitioners seek acceptance of a plan under which pupils could elect to attend any number of schools in any number of locations. This, he insisted, would be contrary to the law's intent and contrary to a decision of the Education Department that district officials are obliged to transport Roman Catholic pupils to only one school and usually the nearest one.

Mrs. Vashti McCollum's book, *One Woman's Fight*, originally published by Doubleday last year, has now been republished by the Beacon Press, 25 Beacon Street, Boston 8, Mass. (\$3). The Library Journal describes the book as an "intensely interesting, inspiring account of how one woman, against tremendous opposition, courageously, successfully fought to uphold a fundamental principle. . . ."

Nightmare

The Editor recently had a bad dream. He dreamed that, overnight, America had become Spain—that is, that the Spanish system of government had been put into effect in America, although the people had remained the same. And this is what he found—

The Bill of Rights now had an article stating: "The profession and practice of the Protestant religion, which is that of the United States, should enjoy official protection. None shall be molested for their religious beliefs or their private practices. No other ceremonies or external demonstrations than that of the Protestant religion shall be permitted." This meant, in practice, that some 29,000,000 Americans of Roman Catholic faith, 5,000,000 Americans of Jewish faith, and other millions of varying beliefs had been declared second-class citizens.

Non-Protestant citizens were now barred from serving as Congressmen, Senators, army officers, or in other positions of public trust.

None but Protestant educational institutions were now allowed to exist.

Non-Protestant houses of worship were now forbidden to have any markings identifying them as such, nor could the faithful be summoned to worship by the use of bells, through newspaper advertisements, bulletin boards, or public notices of any kind.

Non-Protestant clergymen were now denied the right to officiate at legally recognized marriages.

Burial permits for non-Protestants could now be obtained only at the whim of bitterly hostile Protestant policemen.

Social security and other government benefits were now denied to non-Protestants.

Non-Protestants were now forbidden to proselytize for their beliefs by use of the written or spoken word; publishing, radio, television, and motion pictures had become all-Protestant enterprises.

A venerable and respected Protestant clergyman preached to his flock against the government's policy of "tolerance" towards Roman Catholic "heresy," and young Protestants under his influence made frequent violent assaults on Catholic places of worship. . . .

As the horrors continued to pile up, the Editor luckily awoke from his nightmare, and breathed a sigh of relief that these things had not come to pass in free America. And he prayed that these things might NEVER come to pass.

NEWS From Far and Near

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Union leader who denied under oath an accusation that she was Communist-affiliated, said that the big issue in education today was between the "open mind" and the "closed mind."

◆ Two startling facts concerning Vatican diplomacy have recently been made public in a series of articles on the Vatican in the *Dublin Irish Press*, organ of the De Valera government party. The first is that Monsignor Giovanni B. Montini, acting assistant Secretary of State under Pius XII, actively "tried to get the United States to appoint an ambassador to the Holy See." Having failed, his enemies in Rome are now saying that "he thereby forfeited his cardinal's hat." This interpretation of events flatly contradicts the official "line" pursued by the Catholic hierarchy in the United States, which holds that the Vatican took no initiative on the ambassador question at all. The second fact made public in the Irish newspaper is that the Vatican knew of the German invasion of Holland and Belgium a week before it took place. The former French ambassador to the Vatican, Charles Roux, has said that he knew of the projected invasion on May 8, 1940.

Father Hartnett 'Answers' Dr. Conant's Two Questions

Last April, Harvard University President James Bryant Conant told a convention of educators in Boston: "... it is only fair to insist that the critics of our public schools should make clear their stand on two important points. To each one who attacks our public schools I would ask the simple question: 'Would you like to increase the number and scope of the private schools?' If the candid answer is in the affirmative, I would then ask a second question: 'Do you look forward to the day when tax money will directly or indirectly assist these schools?' ..."

Now, Father Robert C. Hartnett, editor of the Jesuit weekly, *America*, has ventured to answer the questions—and his answer to each is "Yes." In a recent pamphlet on *The State and Religious Education* (America Press, 25 cents), Father Hartnett writes (p. 25): "Harvard's president wants to know: 'Would you like to increase the number and scope of private schools?' I would, because a great many American Catholics, for one thing, want to send their children to Catholic high schools but cannot because there are not enough of them to supply the demand. As for other nongovernmental schools, if parents want them and they are good schools, yes. His second question is this: 'Do you look forward to the day when tax money will directly or indirectly assist these schools?' Indirectly, certainly. This happens now in half the States. . . ."

Revealing

Scattered through the pamphlet—which deals only incidentally with Dr. Conant's address—are other significant statements revealing Father Hartnett's belief that *all* American elementary and secondary schools should be *tax-supported and privately controlled*. As a model for school legislation, he points to the Hill-Burton Act providing aid to hospitals (p. 39): "Public-assistance benefits [he says] are given to private hospitals in payment of the hospital bills of the indigent. The Hill-Burton Act (*America*, 2/9/52, pp. 499-501) helps by furnishing public funds for the erection of private hospitals. Here, too, the state is preserving and promoting *social* organization, instead of replacing it by an expanding *political* organization dominating the field of social welfare."

"In the field of education, however, our public policy has been just the opposite. The States have substituted a system of public education, incorporated into the structure of

State governments, for what might have become a flourishing nonpolitical educational system, assisted and regulated by the States."

In his chapter on "Community Relations of Catholic Schools," Father Hartnett writes (p. 34): "St. Mary's Academy of Oskaloosa, for example, must be made an institution which *all* the people of Oskaloosa regard as 'one of our schools.' ... That is to say, non-Catholics must be brought to regard St. Mary's as 'their' school so that they will not object when 'their' tax money is used to support it."

The final section of the *America* Press pamphlet is devoted to an analysis of the California school tax controversy written by Dr. Anthony T. Bouscaren of the University of San Francisco. (See page 8 of this issue for POAU's analysis.)

Observe *America's* children at work in the classrooms—visit your public school during American Education Week, November 9-15.

Colorado Ruling Cuts Off Funds For Parochial-'Public' School

Four years of struggle have brought victory to W. E. Outcault, a retired sugar company fieldman of Sterling, Colorado, in his legal challenge of the use of public funds for operation of St. Peter's Roman Catholic parochial school in nearby Fleming. District Judge George C. Twombly has ruled that "there is no separation of Church and State" at the school, and has enjoined two teaching nuns from wearing religious garb or proselytizing the children in their classes.

The defendants—school officials and the two nuns involved—were given 60 days to file an appeal, and it was expected that they would do so. (Originally, only the public authorities had been named as defendants by Outcault, but defense attorneys insisted on having the nuns included despite the plaintiff's declaration that his action was not directed against the Roman Catholic Church.)

St. Peter's had been given its status as a "public" school in 1948, after district school directors had closed two genuine public schools in the

POAU Meetings On In North Carolina

Five POAU religious liberty rallies in North Carolina mark the opening of an 18-state schedule for October, November, and early December. Well-known speakers will analyze current developments in Italy, Spain, and Colombia and consider their effect upon the cause of religious liberty throughout the world.

The Rev. Paul Freed, recently returned from Spain (see story on page 5), will speak at the first North Carolina meeting in the First Baptist Church of Mt. Airy, Thursday night, October 16. Three subsequent meetings will be addressed by Dr. Joseph M. Dawson, executive director of the Baptist Joint Committee on Public Affairs and recording secretary of POAU, according to the following schedule: Durham, October 20, Braggtown Baptist Church; Greensboro, October 21, Asheboro Street Baptist Church; and Lenoir, October 22, College Avenue Baptist Church.

Prior to the current series, POAU Organization Director John C. Mayne spoke at Gastonia in September.

A meeting in Washington, D. C., will be held on Friday, October 17, in the National City Christian Church at which the Rev. Paul Freed will show his new film, "Bandillera," dealing with the struggle for religious freedom in Spain.

area. Under this arrangement, Outcault alleged, the county superintendent obtained "apportionments from state school funds for District No. 43 for three full-time teachers and has used the third teacher's salary for the operation of a school bus from District 43 to District 69. . . ." In addition, a \$50 monthly rental was paid by the public school district to the Denver archdiocese of the Roman Catholic Church for the use of St. Peter's parochial school building. (*Church and State Newsletter*, October, 1949, April, 1950, and June, 1952.)

CALIFORNIA SCHOOL TAX UP FOR NOVEMBER VOTE

A California legislative act extending tax exemption to "property used exclusively for school purposes of less than collegiate grade" which is owned and operated by religious and other groups (Chapter 242, 1951 Statutes), will receive either the blessing or the condemnation of California voters at a referendum to be held on election day in November.

As of this writing, the controversy over the measure (discussed earlier in *Church and State Newsletter*, September and October, 1951, and February, 1952) centers largely around the question of how the new act compares with school tax-exemption provisions in other states.

To the argument used by Governor Warren when he signed the measure, that California was the "only state in the union" which did not grant such exemption, opponents of the act reply that most states do not exempt "religious" schools as such, and that many have safeguards against abuse of the exemption which are not present in the California version. Opponents also point out that these laws were passed in the early years of the states' history, before establishment of the public school system. Going into details, opponents declare:

Fifteen states limit the amount of land on which exemption may be claimed, many limiting it to only one acre per school. Others limit the dollar value of the exemption. In contrast to this, the California act (now Proposition 3 in the referendum) would give unlimited property tax exemption, with loopholes for holding vast acreages and tremendous property valuations.

Many states specify that tuition must be free, but California's Proposition 3 would exempt private schools which charge fees.

Many states insist that tax-exempt schools be open to all pupils on an equal basis, but California's Proposition 3 does not.

Nineteen states provide for state control over curriculum or teachers' credentials, or both, in all tax-exempt schools. But California's Proposition 3 provides nothing of supervision or control.

Wide Diversity

A May, 1952, study of the research division of the National Education Association, dealing with tax exemption policies in the 48 states, indicates that there is considerable variation among them. "Thirty-four states," the study notes, "have constitutional provisions regarding tax exemption of educational institutions; in the other 14 states the constitution is silent and whatever tax exemption is granted is the result of legislative action." But even among the 34 states with constitutional provisions, the NEA survey reveals, different procedures are found: "Only 20 of these 34 states make the exemption mandatory; in the other 14 states exemption is authorized but must be implemented by legislative action. Also, among the 20 states having mandatory constitutional exemption, three include provisos that reserve power to the legislature to alter the exemptions granted by the constitution."

PRIEST TO 'GET EVEN' WITH BATAVIA SCHOOLS

Roman Catholic residents of Batavia, N. Y., will vote down any future public school appropriations if Woodward Field is not thrown open to parochial students, the Rev. Edward J. Ferger, rector of St. Mary's Roman Catholic Church, declared on September 17. His statement followed a decision of the Board of Education that the publicly owned athletic field could not be used by Notre Dame high school students.

"Batavia's 53.5 per cent Catholic population," Father Ferger said, "will not take the opinion of thoughtless Board of Education officeholders or unthinking voters or unworthy state regulations. Time—and the voting booths—will demonstrate the answer."

"May anyone believe, by the broadest stretch of the imagination, that any Catholic in Batavia will vote for a single public school—East, West, North, or South—when a law exists which discriminates against their children? May anyone believe that the Catholics of this community will vote for public schools when they have read the abominable decisions given in the villages of this county which prohibited the transportation of American children to a school of their choice?" (This was a reference to recent rejections of a Catholic demand for unlimited tax-support of parochial school transportation anywhere in New York State. See story on page 6.)

The decision of the Board of Education was based upon an opinion of its attorney, Wallace J. Stakel, that a section of the state constitution appears to prohibit use of public facilities by private school groups, and that the Board "cannot, in the existing state of the law, safely permit such use without a ruling by either the commissioner of education or the decision of some competent court."

Arguing against this opinion, supporters of Notre Dame High School's request for use of the field say that it originally came into public possession in 1927 as a gift from Mr. and Mrs. Ernest L. Woodward of Le Roy, N. Y., and that its donors stipulated that its use was "not to be restricted to public school pupils or to school organizations."

In announcing that he would seek a legal test of the Board's decision, Father Ferger declared that if it was found to be in error, he would "demand the resignation" of all the Board members.

CHURCH AND STATE

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